

FILED

OCTOBER 26, 1982

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO.

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ANTHONY R. SCARPELLO, D.C.
Former License No. 1373

TO PRACTICE CHIROPRACTIC IN THE
STATE OF NEW JERSEY

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Administrative Action
ORDER DENYING PETITION
FOR REINSTATEMENT OF
LICENSE

THIS MATTER was opened to the New Jersey State Board of Medical Examiners on October 13, 1982 by Petition for Reinstatement of License submitted by Joseph J. Fleischman, Esq., 744 Broad Street, Newark, New Jersey 07102, attorney for Dr. Scarpello. The license authorizing Dr. Scarpello to practice chiropractic in the State of New Jersey was revoked on August 19, 1982 following administrative hearing finding him guilty of conviction of a crime of moral turpitude and finding that such crime adversely reflected upon his ability to practice his licensed profession in this State. Dr. Scarpello had pleaded guilty in United States District Court to violation of 18 U.S.C.A. Sec. 371 for conspiracy to commit mail fraud in the sum of approximately \$8,250.

Respondent has pointed out that he has complied with all regulations required of him since his incarceration in federal prison and that he is due to be paroled shortly.


At the time of the final hearing on the administrative complaint, a relatively short time ago, the Board considered the gravity of the criminal offense of which Dr. Scarpello was found and committed to prison. It also considered the mitigating circumstances he presented before determining that the seriousness of the offense warranted revocation of license.

Counsel has argued in his brief that the governmental interest in punishment of offenders has been fulfilled by the incarceration in prison. The Board rejects this view in the present circumstances, as the prison term was imposed as a result of violation of federal criminal law. The Board's responsibility is independent of that, and relates even more directly to general protection of the public estimation of integrity in its licensees and in demonstration of actual possession of that element of integrity in its licensees. The Board's responsibility is prospective as well as retrospective. The fact that Dr. Scarpello may have comported himself appropriately within the constraints of prison is not regarded by this Board as an adequate demonstration of the self control necessary to a Board licensee in the circumstances of office practice which, as a practical matter, are unsupervised and unmonitored, nor in the myriad other aspects of general community life outside the prison system. It remains to be seen whether this individual can reorganize his life in the fundamental respect already found breached by the criminal proceeding. After giving due consideration to the materials submitted on

behalf of Dr. Scarpello by his counsel in this Petition, the Board has determined that insufficient time has elapsed for the Board to receive as satisfactory the representations presented of Dr. Scarpello's rehabilitation. The Board believes it desirable to ascertain the degree of Dr. Scarpello's rehabilitation based upon proofs of his adjustment in the community following his release from prison and will consider a new Petition for Reinstatement filed at that time.

For the foregoing reason, the Petition of Anthony R. Scarpello, D.C., for Reinstatement of License is denied without prejudice, at this time.

STATE BOARD OF MEDICAL EXAMINERS

By 
Edwin H. Albano, M.D.
President

DATED: 21 Oct 1982

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO. H82-5055

In the Matter of the Suspension)
or Revocation of the License of)
ANTHONY R. SCARPELLO, D.C.)
To Practice Chiropractic in the)
State of New Jersey)

Administrative Action
ORDER REINSTATING LICENSE
AND IMPOSING RESTRICTIONS

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This matter came before the Board of Medical Examiners upon the application of Klein, Chapman, Chester, DiIanni, Greenburg, Hankoff & Siegel, Esqs., attorney for petitioner Anthony R. Scarpello, D.C., by Leonard A. Peduto, Jr., Esq., for reinstatement of Dr. Scarpello's license to practice chiropractic in the State of New Jersey. Dr. Scarpello's license was revoked by the Board on August 19, 1982 for his conviction of mail fraud in that he conspired to obtain money from insurance companies fraudulently by preparing false medical reports and other documents. Dr. Scarpello's original petition for reinstatement filed in October, 1982, was denied by the Board at that time.

Dr. Scarpello appeared with counsel before a committee of the Board on August 31, 1983 and demonstrated that he has made progress in his rehabilitation. It is noted that Dr. Scarpello served one year in prison, was released on November 17, 1982, and is on parole until November 17, 1983. He is currently working as a volunteer with Se-Cause, a youth program in Secaucus, New Jersey, and he has cooperated in a U.S. Postal Service investigation into other insurance fraud conspiracies. The Board having reviewed the committee's report and recommendation, and for good cause shown,

It therefore is on this 23 day of September, 1983,
ORDERED that

1. The license of Anthony R. Scarpello, D.C. to practice chiropractic in the State of New Jersey shall be reinstated, effective upon his payment of the appropriate registration and reinstatement fees.

2. For a period of one year following the date of reinstatement, Dr. Scarpello shall practice only under the supervision of a designated licensed chiropractor approved by the Board and Dr. Scarpello shall not resume practice until he has obtained such approval.

3. Dr. Scarpello shall cause to be prepared and submitted to the Board quarterly reports by the said supervising chiropractor regarding all aspects of Dr. Scarpello's practice.

4. Within one year following the date of reinstatement, Dr. Scarpello shall complete two full semesters of continuing medical education in the clinical aspects of chiropractic and shall provide to the Board proof of such completion.

5. Dr. Scarpello shall not submit bills or claims directly to third-party payers but rather shall complete and sign third-party payer claim forms submitted to him, provide them to the respective patients with his bills for their review, and request that they forward the appropriate claim forms to the third-party payers for payment or reimbursement.



EDWIN H. ALBANO, M.D.
President
Board of Medical Examiners